

**IC 12-8**

**ARTICLE 8. ADMINISTERING FAMILY AND SOCIAL SERVICES**

**IC 12-8-1**

Chapter 1. Office of Secretary of Family and Social Services

**IC 12-8-1-1**

**Establishment**

Sec. 1. (a) The office of the secretary of family and social services is established.

(b) The office of the secretary includes the following:

(1) The secretary.

(2) Each office.

*As added by P.L.2-1992, SEC.2.*

**IC 12-8-1-2**

**Appointment**

Sec. 2. The governor shall appoint the secretary of family and social services to coordinate family and social service programs among the divisions.

*As added by P.L.2-1992, SEC.2.*

**IC 12-8-1-3**

**Duties**

Sec. 3. (a) The secretary has administrative responsibility for the office of the secretary.

(b) Subject to this article, the secretary may organize an office to perform the duties of the office.

*As added by P.L.2-1992, SEC.2.*

**IC 12-8-1-4**

**Personnel**

Sec. 4. (a) The secretary, with the approval of the budget agency, may hire personnel necessary to perform the duties of each office.

(b) All employees of the office of the secretary other than employees holding confidential or policy making positions are covered by IC 4-15-2.

*As added by P.L.2-1992, SEC.2.*

**IC 12-8-1-5**

**Technical assistance to divisions; coordination; related functions**

Sec. 5. (a) The secretary, through the offices, is responsible for coordinating the provision of technical assistance to each division for the following:

(1) Compiling program budgets for each division.

(2) Fiscal performance of each division.

- (3) Management and administrative performance of each division.
- (4) Program performance of each division.
- (b) The secretary, through the offices, is accountable for the following:
  - (1) Resolution of administrative, jurisdictional, or policy conflicts among the divisions.
  - (2) The coordination of the activities of each division with other entities, including the general assembly and other state agencies.
  - (3) Coordination of communication with the federal government and the governments of other states.
  - (4) Development and ongoing monitoring of a centralized management information system and a centralized training system for orientation and cross-training.
  - (5) The overall policy development and management of the state Medicaid plan under IC 12-15.
  - (6) Liaison activities with other governmental entities and private sector agencies.

*As added by P.L.2-1992, SEC.2.*

#### **IC 12-8-1-6**

##### **Cooperation to coordinate services**

Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:

- (1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.
- (2) Formulating overall policy for family, health, and social services in Indiana.
- (3) Coordinating activities between the programs of the division of family and children and the maternal and child health programs of the state department of health.
- (4) Coordinating activities concerning long term care between the division of disability, aging, and rehabilitative services and the state department of health.
- (5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

*As added by P.L.2-1992, SEC.2. Amended by P.L.4-1993, SEC.26; P.L.5-1993, SEC.39.*

#### **IC 12-8-1-7**

##### **Powers**

Sec. 7. The secretary, through the offices, may do the following:

- (1) Employ experts and consultants to carry out the duties of the

secretary and the offices.

(2) Utilize, with the consent of the other state agencies, the services and facilities of other state agencies without reimbursement.

(3) Accept in the name of the state, for use in carrying out the purposes of this article, any money or other property received as a gift, by bequest, or otherwise.

(4) Accept voluntary and uncompensated services.

(5) Expend money made available according to policies enforced by the budget agency.

(6) Establish and implement the policies and procedures necessary to implement this article.

(7) Advise the governor concerning rules adopted by a division.

(8) Create advisory bodies to advise the secretary about any matter relating to the implementation of this article.

(9) Perform other acts necessary to implement this article.

*As added by P.L.2-1992, SEC.2.*

#### **IC 12-8-1-8**

##### **Cooperation with federal agencies; federal aid**

Sec. 8. (a) The secretary shall cooperate with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner that may be necessary to qualify for federal aid for assistance to persons who are entitled to assistance under the provisions of the federal Social Security Act.

(b) The secretary shall do the following:

(1) Make reports in the form and containing the information required by the federal Social Security Administration Board or any other agency of the federal government.

(2) Comply with the requirements that the federal Social Security Administration Board or other agency of the federal government finds necessary to assure the correctness and verification of reports.

(c) The secretary shall act as the agent to the federal government in the following:

(1) Welfare matters of mutual concern.

(2) The administration of federal money granted to Indiana to aid the welfare functions of the state.

*As added by P.L.2-1992, SEC.2.*

#### **IC 12-8-1-9**

##### **Rules**

Sec. 9. Consistent with the powers and duties of the secretary under this article, the secretary may adopt rules under IC 4-22-2 relating to the exercise of those powers and duties. However, any rules adopted by the secretary under IC 4-22-2-29 must be approved by the family and social services committee established by

IC 12-8-3-2 before submission to the attorney general under IC 4-22-2-31. However, nothing in this section prevents the secretary from presenting a proposed rule to the family and social services committee established by IC 12-8-3-2 for the committee's review and recommendations before the adoption of the rule under IC 4-22-2-29 and approval of the rule by the committee under this section.

*As added by P.L.2-1992, SEC.2. Amended by P.L.42-1995, SEC.7.*

#### **IC 12-8-1-10**

##### **Expiration**

Sec. 10. This chapter expires January 1, 2006.

*As added by P.L.2-1992, SEC.2. Amended by P.L.153-1995, SEC.1; P.L.108-1997, SEC.2; P.L.7-2000, SEC.1; P.L.291-2001, SEC.212; P.L.83-2002, SEC.1; P.L.243-2003, SEC.3.*

#### **IC 12-8-1-11**

##### **Vocational rehabilitation of handicapped persons; administrative agency**

Sec. 11. The office of the secretary is designated as the sole state agency responsible for administering programs concerning the vocational rehabilitation of handicapped persons under 29 U.S.C. 701 et seq.

*As added by P.L.138-1993, SEC.3.*

#### **IC 12-8-1-12**

##### **Additional appropriations**

Sec. 12. (a) If:

- (1) the sums appropriated by the general assembly in the biennial budget to the family and social services administration for the Medicaid assistance, Medicaid administration, public assistance (AFDC), and the IMPACT (JOBS) work program are insufficient to enable the office of the secretary to meet its obligations; and
- (2) the failure to appropriate additional funds would:
  - (A) violate a provision of federal law; or
  - (B) jeopardize the state's share of federal financial participation applicable to the state appropriations contained in the biennial budget for Medicaid assistance, Medicaid administration, public assistance (AFDC), or the IMPACT (JOBS) program;

then there are appropriated further sums as may be necessary to remedy a situation described in this subsection, subject to the approval of the budget director and the unanimous recommendation of the members of the budget committee. However, before approving a further appropriation under this subsection, the budget director shall explain to the budget committee the factors indicating that a condition

described in subdivision (2) would be met.

(b) If:

(1) the sums appropriated by the general assembly in the biennial budget to the family and social services administration for Medicaid assistance, Medicaid administration, public assistance (AFDC), and the IMPACT (JOBS) work program are insufficient to enable the family and social services administration to meet its obligations; and

(2) neither of the conditions in subsection (a)(2) would result from a failure to appropriate additional funds;

then there are appropriated further sums as may be necessary to remedy a situation described in this subsection, subject to the approval of the budget director and the unanimous recommendation of the members of the budget committee. However, before approving a further appropriation under this subsection, the budget director shall explain to the budget committee the factors indicating that a condition described in subdivision (2) would be met.

(c) Notwithstanding IC 12-14 and IC 12-15 (except for a clinical advisory panel established under IC 12-15), and except as provided in subsection (d), the office of the secretary may by rule adjust programs, eligibility standards, and benefit levels to limit expenditures from Medicaid assistance, Medicaid administration, public assistance (AFDC), and the IMPACT (JOBS) work program to levels appropriated by the general assembly in the biennial budget. However, if there are additional appropriations under subsections (a) or (b), the office of the secretary may by rule adjust programs, eligibility standards, and benefit levels to limit expenditures from Medicaid assistance, Medicaid administration, public assistance (AFDC), and the IMPACT (JOBS) program to levels that are further appropriated under subsections (a) or (b). The office of the secretary may adopt emergency rules under IC 4-22-2-37.1 to make an adjustment authorized by this subsection. However, adjustments under this subsection may not:

(1) violate a provision of federal law; or

(2) jeopardize the state's share of federal financial participation applicable to the state appropriations contained in the biennial budget for Medicaid assistance, Medicaid administration, public assistance (AFDC), and the IMPACT (JOBS) work program.

(d) Subject to IC 12-15-21-3, any adjustments made under subsection (c) must:

(1) allow for a licensed provider under IC 12-15 to deliver services within the scope of the provider's license if the benefit is covered under IC 12-15; and

(2) provide access to services under IC 12-15 from a provider under IC 12-15-12.

*As added by P.L.46-1995, SEC.6.*

### **IC 12-8-1-13**

#### **Programs to relieve dependence on public assistance**

Sec. 13. (a) Subject to the appropriation limits established by the state's biennial budget for the office of the secretary and its divisions, and after assistance, including assistance under AFDC (IC 12-14), medical assistance (IC 12-15), and food stamps (7 U.S.C. 2016(i)), is distributed to persons eligible to receive assistance, the secretary may adopt rules under IC 4-22-2 to offer programs on a pilot or statewide basis to encourage recipients of assistance under IC 12-14 to become self-sufficient and discontinue dependence on public assistance programs. Programs offered under this subsection may do the following:

- (1) Develop welfare-to-work programs.
- (2) Develop home child care training programs that will enable recipients to work by providing child care for other recipients.
- (3) Provide case management and supportive services.
- (4) Develop a system to provide for public service opportunities for recipients.
- (5) Provide plans to implement the personal responsibility agreement under IC 12-14-2-21.
- (6) Develop programs to implement the school attendance requirement under IC 12-14-2-17.
- (7) Provide funds for county planning council activities under IC 12-14-22-13.
- (8) Provide that a recipient may earn up to the federal income poverty level (as defined in IC 12-15-2-1) before assistance under this title is reduced or eliminated.
- (9) Provide for child care assistance, with the recipient paying fifty percent (50%) of the local market rate as established under 45 CFR 256 for child care.
- (10) Provide for medical care assistance under IC 12-15, if the recipient's employer does not offer the recipient health care coverage.

(b) If the secretary offers a program described in subsection (a), the secretary shall annually report the results and other relevant data regarding the program to the legislative council in an electronic format under IC 5-14-6.

*As added by P.L.46-1995, SEC.7. Amended by P.L.28-2004, SEC.86.*

### **IC 12-8-1-14**

#### **Implementation of methods to facilitate payment of providers**

Sec. 14. The office of the secretary shall implement methods to facilitate the payment of providers under IC 12-15.

*As added by P.L.7-2000, SEC.2.*

### **IC 12-8-1-15**

**Improvement of system through technology and training**

Sec. 15. The office of the secretary shall improve its system through the use of technology and training of staff to do the following:

- (1) Simplify, streamline, and destigmatize the eligibility and enrollment processes in all health programs serving children.
- (2) Ensure an efficient provider payment system.
- (3) Improve service to families.
- (4) Improve data quality for program assessment and evaluation.

*As added by P.L.273-1999, SEC.169.*